

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
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 John R. BIANCHI et al.)
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 Serial No. Not Yet Assigned)
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 Filed January 13, 2004)
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 OPEN INTERVERTEBRAL SPACER)

INFORMATION DISCLOSURE STATEMENT

Mail Stop PATENT APPLICATION
 Commissioner for Patents
 PO Box 1450
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Sir:

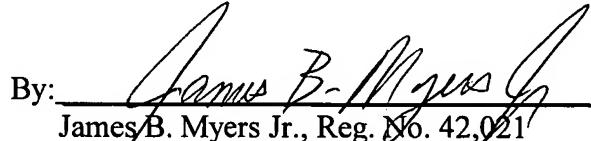
Pursuant to the duty of disclosure in accordance with 37 C.F.R. §1.56, Applicant wishes to bring to the attention of the Examiner the items of information listed on the enclosed Information Disclosure Citation Form. This information has not been previously submitted in this application, and has not been cited previously by the Examiner. Copies of cited items are not enclosed since they were previously cited or submitted to the Office in prior application, Serial No. 10/035,074, which was relied upon for an earlier filing date in accordance with 37 C.F.R. § 1.98(d).

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The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56(b).

This Statement is being submitted prior to the mailing of any Office Action on the merits. It is believed that no fee is required for consideration of the submitted items. Should any fee be required, however, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

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				<i>Complete if Known</i>	
				Application Number	
				Filing Date	January 13, 2004
				First Named Inventor	Bianchi
				Group Art Unit	
				Examiner Name	
Sheet	1	of	2	Attorney Docket No.	4002-3468

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (If known)	MM-DD-YYYY		
		4,309,488	01-05-1982	Heide et al.	
		4,626,392	12-02-1986	Kondo et al.	
		4,636,217	01-13-1987	Ogilvie et al.	
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		4,820,305	04-11-1989	Harms et al.	
		4,834,757	05-30-1989	Brantingan	
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		5,591,235	01-07-1997	Kuslich	
		5,593,409	01-14-1997	Michelson	

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>					<i>Complete if Known</i>		
					Application Number		
					Filing Date		January 13, 2004
					First Named Inventor		Bianchi
					Group Art Unit		
					Examiner Name		
Sheet	2	of	2	Attorney Docket No.	4002-3468		

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		5,728,159	03-17-1998	Stoever et al.	
		5,972,368	10-26-1999	McKay	
		5,810,819	09-22-1998	Errico et al.	
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		6,409,765	06-25-2002	Bianchi et al.	
		6,500,206	12-31-2002	Bryan	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published
		<u>Bone Graft Surgery in Disease, Injury and Deformity</u> ; Fred H. Albee, M.D.; Published by D. Appleton-Century Company, Copyright 1940.
		“Laparoscopic Bone Dowel Surgical Technique”, Sofamor Danek, Memphis, Tennessee, 1995.
		“Musculoskeletal Transplant Foundation” Brochure, Apr. 1996.
		“Threaded Bone Dowel” by LISpine 1997 Hohmann Enterprises Inc., Apr. 1997.
		“New and Innovative Fusion Techniques” by John J. Vaughan, MD The Kentucky Spines Inst., Dec. 1998.

Examiner Signature		Date Considered	
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